THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO.21769 OF 2005

Dated 27th October 2005

Between:

Eesanna S/o.Saravanna & another

…Petitioner

And

The Regional Manager (HCR), JS, Picket,

Secunderaad & others

…Respondents

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

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O R D E R:

The petitioners were enlisted as daily wage drivers in Gadwal Depot of Mahaboobnagar Region. Through orders dated 29.8.2005, the third respondent disengaged the petitioners at his depot, and directed them to report to the Deputy Chief Personnel Manager, Hyderabad, for utilization in Hyderabad City Region, the first respondent. The petitioners complain that they are not being provided with any work, by the first respondent, and they are subjected to suffering. They challenge the orders of transfer.

Heard the learned counsel for the petitioners and learned Standing Counsel for the Respondents.

The very engagement of the petitioners was on daily wage basis. This Court would have been hesitant to interfere with the order of transfer, had the petitioners been employed on regular basis. The petitioners were being provided with work, subject to availability. Same is the case, if they are transferred to the first respondent.

For an employee, who is working under such uncertain conditions, it would certainly be difficult to stay at a far off place. It is not as if the third respondent is under obligation to provide work to the petitioners, irrespective of the existence thereof. The petitioners themselves are prepared to work in the existing conditions, and the third respondent cannot have any plausible objection for the same.

For the foregoing reasons, the writ petition is allowed, and it is directed that the petitioners shall be continued on the rolls of the third respondent, and the engagement of the petitioners shall be subject to availability of work and in accordance with the seniority maintained by them. There shall be no order as to costs.

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27th October 2005

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